UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,748	02/25/2004	Rob Woollen	BEAS-01433US1	2991

			EXAMINER
23910	7590	07/14/2006	YIGDALL, MICHAEL J

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ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/786,748	WOOLLEN ET AL.
	Examiner	Art Unit	
	Michael J. Yigdall	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*25 February 2004*</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*25 February 2004*</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/25/05</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-30 are pending. A priority date of February 28, 2003 is considered.

Drawings

2.   Figure 1 should be designated by a legend such as --Prior Art-- because only that which is

old is illustrated. See MPEP § 608.02(g).

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the

Office action to avoid abandonment of the application. The replacement sheet(s) should be

labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any

portion of the drawing figures. If the changes are not accepted by the examiner, the applicant

will be notified and informed of any required corrective action in the next Office action. The

objection to the drawings will not be held in abeyance.

Specification

3.   Applicant is reminded of the proper language and format for an abstract of the disclosure,

namely that the form and legal phraseology often used in patent claims, such as "means" and

"said," should be avoided. See MPEP § 608.01(b).

4.   The disclosure is objected to because Applicant appears to claim priority to and

incorporate by reference a U.S. patent application without providing its application number or

filing date. Moreover, based on the attorney docket number, it appears that the referenced

application is in fact the present application. Appropriate correction is required.

Claim Objections

5.   Claim 1 is objected to because it recites "said output folder output folder" at line 7 rather

than --said output folder--. Appropriate correction is required.

Claim Rejections - 35 USC § 101

6.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

7.   Claims 1-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter.

With respect to claims 1-10, the claims are directed to a system that amounts to an

arrangement of folders, which is a mere arrangement of data *per se* and is non-functional

descriptive material. Accordingly, the system as recited does not produce a useful, concrete and

tangible result. See *Interim Guidelines for Examination of Patent Applications for Patent*

Subject Matter Eligibility (1300 OG 142).

With respect to claims 11-20, the claims are directed to a method that as recited does not

produce a useful, concrete and tangible result. Specifically, the "result" of the method is a mere

identification of an arrangement of folders as a split directory. The claims do not positively

recite a use of that identification in any practical application, nor do they recite that the

identification is somehow presented or conveyed in any manner that enables the invention's

functionality and usefulness to be realized. For example, reciting an additional step in claim 11,

such as "using the split directory to deploy the application," could provide the necessary

practical application. See *Interim Guidelines for Examination of Patent Applications for Patent*

Subject Matter Eligibility (1300 OG 142).

With respect to claims 21-30, the claims are directed to a computer readable medium

including instructions stored thereon which when executed cause the computer to perform a

method. The method as recited does not produce a useful, concrete and tangible result. The

"result" of the method is a mere identification of an arrangement of folders as a split directory.

Again, the claims do not positively recite a use of that identification in any practical application,

nor do they recite that the identification is somehow presented or conveyed in any manner that

enables the invention's functionality and usefulness to be realized. For example, reciting an

additional step in claim 21, such as "using the split directory to deploy the application," could

provide the necessary practical application. See *Interim Guidelines for Examination of Patent*

Applications for Patent Subject Matter Eligibility (1300 OG 142).

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

9.   Claims 1-4, 6-14, 16-24 and 26-30 are rejected under 35 U.S.C. 102(b) as being

anticipated by U.S. Patent No. 6,178,546 to McIntyre (art of record, "McIntyre").

With respect to claim 1, McIntyre discloses a system for organization of files during a software development process (see, for example, the abstract), comprising:

a source folder that stores source files for use with or as part of a software application (see, for example, column 3, lines 29-30, which shows providing a source folder, and column 4, lines 17-18, which shows providing source files from the source folder);

an output folder that stores compiled files for use with or as part of said software application (see, for example, column 4, lines 37-43, which shows providing an output folder for compiled object files); and

wherein said source folder and said output folder output folder form a split directory for use in deploying said software application (see, for example, build area 32 in FIG. 1 and column 2, lines 52-54 and 63-65, which shows that the folders are a split directory for deploying the application).

With respect to claim 2, the rejection of claim 1 is incorporated, and McIntyre further discloses that said software application is a union of the source and output folders and contents therein (see, for example, column 6, lines 57-60, which shows that the application is a union of the source and object files).

With respect to claim 3, the rejection of claim 1 is incorporated, and McIntyre further discloses that if a resource is needed by said software application, then the source folder is automatically checked first, followed by the output folder (see, for example, column 3, lines 21-23, which shows checking the folders for resources needed by the application).

With respect to claim 4, the rejection of claim 1 is incorporated, and McIntyre further discloses that the output folder includes a file that identifies the output folder as being part of a split directory which also includes the source folder (see, for example, column 2, lines 14-17, which shows such a description file for the application).

With respect to claim 6, the rejection of claim 1 is incorporated, and McIntyre further discloses that said software application, or another software application can point to the output folder to access or retrieve resources in either the output folder and/or the source folder as necessary for operation of the software application (see, for example, column 2, lines 42-48, which shows that applications can access resources in the folders).

With respect to claim 7, the rejection of claim 1 is incorporated, and McIntyre further discloses that said output folder is automatically created and populated upon compiling the software application (see, for example, column 6, lines 57-60, which shows creating and storing the object files upon compiling the source files).

With respect to claim 8, the rejection of claim 1 is incorporated, and McIntyre further discloses that said output folder can be deleted to remove the latest build of the software application, and then recreated to create a new build see, for example, column 7, lines 18-22, which shows that builds can be recreated, such as during testing).

With respect to claim 9, the rejection of claim 1 is incorporated, and McIntyre further discloses that the source folder and output folder are stored on a server, or on different servers

(see, for example, column 2, lines 54-62, which shows that the folders are stored on a server or on different servers).

With respect to claim 10, the rejection of claim 1 is incorporated, and McIntyre further discloses that the source folder is populated with source files that are stored in or retrieved from a source control system (see, for example, column 2, lines 54-62 and column 3, lines 50-53, which shows a source control system for development groups).

With respect to claim 11, McIntyre discloses a method for organizing and using source and output files during a software development process (see, for example, the abstract), comprising the steps of:

providing a source folder that stores source files for use with or as part of a software application (see, for example, column 3, lines 29-30, which shows providing a source folder, and column 4, lines 17-18, which shows providing source files from the source folder);

providing an output folder that stores compiled files for use with or as part of said software application (see, for example, column 4, lines 37-43, which shows providing an output folder for compiled object files);

recognizing said output folder and the contents stored therein as being part of a split directory for use in deploying said software application (see, for example, build area 32 in FIG. 1 and column 2, lines 52-54 and 63-65, which shows that the folders are a split directory for deploying the application); and

identifying both said source folder and said output folder as a split directory for use in

deploying the application (see, for example, build area 32 in FIG. 1 and column 2, lines 52-54

and 63-65, which shows that the folders are a split directory for deploying the application).

With respect to claims 12-14 and 16-20, the claims are analogous to claims 2-4 and 6-10

(see the rejection of claims 2-4 and 6-10 above).

With respect to claim 21, the claim is directed to a computer readable medium that is

analogous to the method of claim 11 (see the rejection of claim 11 above).

With respect to claims 22-24 and 26-30, the claims are analogous to claims 2-4 and 6-10

(see the rejection of claims 2-4 and 6-10 above).

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

11.   Claims 5, 15 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

McIntyre in view of U.S. Pub. No. 2002/0178439 to Rich et al. (art of record, "Rich").

With respect to claim 5, the rejection of claim 1 is incorporated. McIntyre does not

expressly disclose that the split directory is configured as a virtual JAR file.

However, in an analogous art, Rich discloses configuring a virtual archive from a directory structure (see, for example, paragraph 0019), and further discloses JAR files as such archives for J2EE applications (see, for example, paragraphs 0005 and 0007). The virtual archive (e.g., a virtual JAR file) provides a simple, common and transparent interface for directory structures and archive files alike (see, for example, paragraph 0018).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the split directory of McIntyre as a virtual JAR file, as Rich suggests, so as to provide it with a simple, common and transparent interface.

With respect to claims 15 and 25, the claims are analogous to claim 5 (see the rejection of claim 5 above).

Conclusion

12.　　The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

13.　　Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (571) 272-3707. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MY

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SUPERVISORY PATENT EXAMINER